

REMARKS

Claims 1-30 are pending. By this Amendment, claims 17-25 and 29-30 are cancelled, claims 1, 9, and 27 are amended, and no new claims are added.

Previously Added Claims 25-30

Applicant notes initially that the Examiner did not address new claims 25-30 added in the amendment of November 14, 2008. Applicant respectfully requests that these claims be entered and examined in a new action, along with the further amendments made herein.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-6, 8-14, 17-22 and 24 were rejected as obvious over Taubman '709 in view of Bacus '372 and Bacus '392. Claims 7, 15, and 23 were rejected as obvious over the same combination of references and in further view of Burns '446. Applicant respectfully traverses these rejections and requests that they be withdrawn.

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification. See In re American Academy of Science Tech Center, 367 F.3d 1359, 1364 (Fed. Cir. 2004); In re Hiniker Co., 150 F.3d 1362, 1368 (Fed. Cir. 1998); In re Yamamoto, 740 F.2d 1569, 1571 (Fed. Cir. 1984). Although the Examiner characterizes one passage of Taubman '709 describing retrieval of image blocks corresponding to a region of interest (col. 21, ll. 53-56) as disclosing "image analysis," this characterization is based on an

unreasonably broad interpretation of the term.<sup>1</sup> As set forth in paragraph 0006 of the published application, those of skill in the art understand “image analysis” to mean analyzing the information in the subject image to produce a non-image result. Manipulating or producing another image from a subject image cannot be considered “image analysis,” let alone merely retrieving portions of an image for display as in the cited passage of Taubman ‘709. Id.

Further, Bacus ‘372 actually teaches away from the claimed invention by suggesting that images should be compressed and saved in compressed format to save storage space. See Bacus ‘372, col. 22, ll. 26-40. This would result in only the compressed image, with the data loss inherent in compression, being available for image analysis. In contrast, in the claimed invention, images are only compressed for transmission to the remote location, with the uncompressed original image being stored and used for image analysis at the imaging location. As a result, data loss due to compression does not affect image analysis. Since Bacus ‘372 teaches away from the claimed invention, it cannot be combined with the other references to reject the claimed invention.

Nevertheless, solely to advance prosecution and without any waiver or disclaimer of subject matter, Applicant has canceled claims 17-25 without prejudice or disclaimer, and has amended independent claims 1 and 9 to recite additional novel and unobvious elements. Specifically, claim 1 has been amended to recite the additional step of “receiving from the second location a medical diagnosis and associating the medical diagnosis with the source medical image at the first location,” while claim 9 has been amended to recite “a database for associating the source medical image with a medical diagnosis generated using the non-image

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<sup>1</sup> Applicant is confused by this characterization appearing on page 3 of the Office Action, since the Examiner also appears later to admit that Taubman ‘709 and Bacus ‘372 do not disclose image analysis. See Office Action, p. 5,

diagnostic result.” Applicant respectfully submits that the applied references do not teach or suggest at least these elements. Consequently, Applicant respectfully requests that the rejections be withdrawn in view of the amendments.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley J. Thorson', with a long horizontal flourish extending to the right.

Bradley J. Thorson  
Registration No. 52,288

Customer No. 24113  
Patterson, Thunte, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (612) 349-5756